



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul R. Jarko, et al.

Serial No: 10/062,680

Examiner: Vanaman, F.

Filed: 2/1/2002

Art Unit: 3618

Confirmation No.: 2184

For: LOAD DOLLY

Docket: 1992-A

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

I, Paul R. Jarko, declare as follows:

1. I am one of the named inventors of US Patent Application Serial No. 10/062,680 filed February 1, 2002, entitled LOAD DOLLY.
2. I conceived this invention in this country earlier than June 15, 2001, the filing date of U.S. Patent Application Serial No. 09/881,960 (Salmon et al.) which subsequently resulted in issued U.S. Patent 6,550,792, which patent was cited by the Examiner as being a main reference, which when combined with other references, rejected many of the claims presently pending in this application, and in particular, rejected independent claim 22.
3. My conception is demonstrated in part by the attached Exhibit A which is a photocopy of a sales slip from Home Depot for the purchase of two sheets of

plywood that was used for constructing a first prototype recycle cart. The date on the sales slip is April 27, 2000. The left side of Exhibit A is a photocopy of a Polaroid photograph of a preliminary recycle cart that I constructed approximately in May of 2000. Exhibit B is photocopy of a series of follow-up drawings which were made prior to October 11, 2000 of a modified recycle cart. Exhibit C is a photocopy of a page from my notebook showing the developed recycle cart which occurred prior to June 15, 2001, which clearly shows the positioning of the uppermost container box and its alignment with and engagement by the lid with a latch on the dolly. All of these drawings and associated work occurred prior to June 15, 2001.

4. After conception, I acted diligently to reduce the invention to practice from a time earlier than June 15, 2001 to the filing of this application on February 1, 2002. I met with Scott W. A. Dunsmoor, one of the other co-inventors, in the summer of 2001 who assisted me in building a metal prototype from my sketch of the dolly and who assisted me in further refining and finalizing the dolly construction of the present application.

5. I furthermore declare that the other co-inventor, David B. Snaith, became involved with myself and Scott W. A. Dunsmoor in the fall of 2001 and assisted in developing other features of the invention.

6. I declare that the basic concept set forth in claim 22, that is, a dolly having a plurality of rigid containers having top openings and mounted on an upright frame in a stacked vertical relationship, wherein the shelves have open fronts for horizontally removing and placing the containers thereon, wherein the lid is mounted on the frame and movable between open and closed positions and is complementary in shape and size so that the top opening of the container supported on the upper support shelf which is positioned by side walls, back walls and a front rim of the base enables the lid to matingly engage and close the top opening of the container when mounted on the upper shelf, was my conception as shown by Exhibit C.

7. I declare that other features of the subject load dolly were further developed and refined by ideas submitted and assistance provided by the other two co-inventors, Scott W. A. Dunsmoor and David B. Snaith, whose ideas to the load dolly are covered by other claims in the subject application, occurred after June 15, 2001.

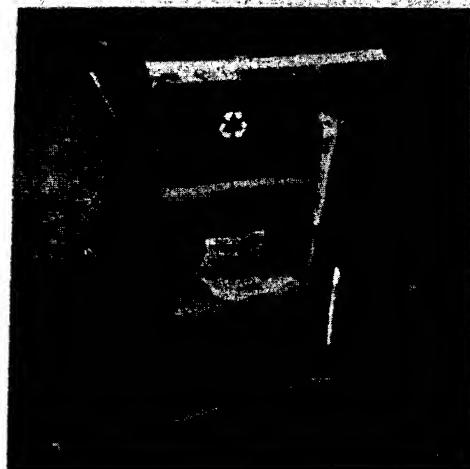
8. I furthermore declare that I diligently reduced the invention of claim 22 to practice by the subsequent filing of the present patent application on February 1, 2002, by subsequently contacting Robert Dickie of Spark Innovations, Inc. in the fall of 2001, for his assistance in the commercial development of the load dolly and the filing of the present patent application thereon. Mr. Dickie contacted Joseph Sebolt, attorney of record of the present application, by letter of December 1, 2001, instructing him to file a patent application which was subsequently filed February 1, 2002.

9. I declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code. I understand that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

Nov. 15/05

Paul R. Janko



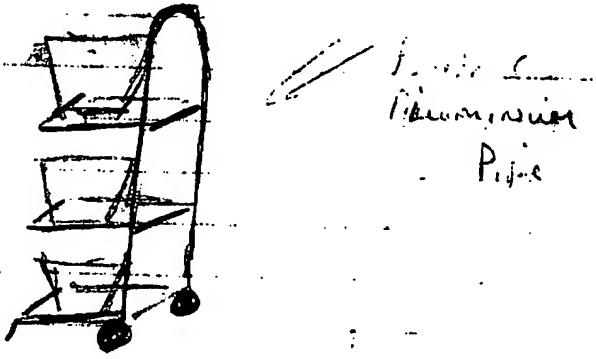
1. The first step in the process of the formation of the new state is the preparation of the *constitution* of the state.

EXHIBIT

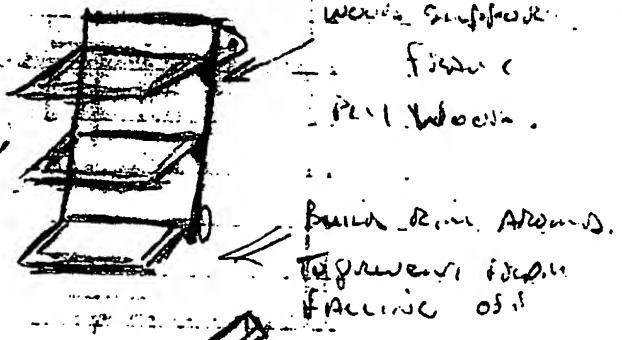


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Recycle Case

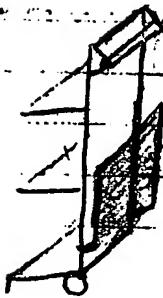


Vertical
Piping system
Pipes



Welded Surface
Fitter
PVC Wood.

Brick Rein. Around.
Tightening bolts
Falling off



2-3
PVC
1.60 ft

* Light weight

Needs to Hold

- P-AC, T C
- PAPER
- GLASS
- CARDBOARD.
- METAL.



Recycle Cart

House open
closed
Base

Wooden Frame / Metal?

House

Plastic Lid with Latch
Acrylic

Pine
Box

Braced Rail
To Prevent
Base of Bin
From Moving

(Cardboard)
House

"Z

Plastic

2 wheels
6"

Front Support

- Better weight
- Lighter weight
- 1 sheet of Plywood
- 1 - 1x2 Strapping
- 2 wheels 6"
- $\frac{1}{2}$ sheet of Poly C.
- 3' of 1" Dowel

EXHIBIT

C

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| CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8) | | | Docket No. |
| Applicant(s): Paul R. Jarko, et al. | | | 1992-A |
| Serial No. | Filing Date | Examiner | Group Art Unit |
| 10/062,680 | 2/1/2002 | Vanaman, Frank | 3618 |
| Invention: | | | |
| LOAD DOLLY | | | |

I hereby certify that the following correspondence:

Declaration Under 37 C.F.R. § 1.131 w/Exhibits A-C

is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

November 16, 2005
(Date)

Karina A. Butler

(Typed or Printed Name of Person Mailing Correspondence)

Karina A. Butler

(Signature of Person Mailing Correspondence)